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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,494	06/25/2001	Franklin E. Boyer	UV-30CPA2CON	9180

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EXAMINER

YIMAM, HARUN M

ART UNIT PAPER NUMBER

2611

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/891,494

Applicant(s)

BOYER ET AL.

Examiner

Harun M. Yimam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/10/01 &amp; 1/26/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6, 12, 13-16, 19-23, 25-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Schein (US 6,002,394).

Considering claim 1, Schein discloses an television program guide system (400 in figure 15 and column 4, lines 17-23) for providing television program listings with embedded real-time data (column 6, lines 46-47) to a user at a multimedia system (402 in figure 15—PCTV, column 19, line 66 - column 20, line 4) over an Internet communications link (404 in figure 15—column 20, lines 4-5), comprising: a computer system (browser database—412 in figure 15, at a broadcasting facility—column 20, lines 12-17) for providing television program listings with embedded real-time data, wherein said computer system comprises computer readable media for storing said television program listings with embedded real-time data; and a web server (network server—406 in figure 15 and column 20, lines 3-7) for receiving the television program

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listings with embedded real-time data from the computer system and for providing the television program listings with embedded real-time data to the multimedia system over the Internet communications link when the user accesses the television program listings with embedded real-time data using the multimedia system, said multimedia system comprising computer readable media (column 20, lines 7-9 and 18-21) for receiving said television program listings with embedded real-time data.

Regarding claim 2, Schein discloses that the computer system comprises a media library (movie archive) containing video clips (column 24, lines 51-55).

As for claim 3, Schein discloses that the computer system comprises a data server (browser database) on which at least part of the program listings are stored (412 in figure 15—column 20, lines 14-17 and 57-63).

With regards to claim 4, Schein discloses that the computer system comprises means for receiving the real-time data from a real-time data processing facility (the browser database, computer system, gets its real-time program information from the television station broadcaster 412: data processing facility—column 20, lines 14-17 and 57-63).

Considering claim 5, Schein discloses that the real-time data processing facility supplies real-time sports scores (column 17, lines 62-66 and column 20, lines 57-63).

Regarding claim 6, Schein discloses that the real-time data processing facility supplies real-time weather data (column 17, lines 47-53 and column 23, lines 49-53).

As for claim 12, Schein discloses means for accessing the embedded real-time data by displaying corresponding television program listings (column 6, lines 42-49).

Considering claim 13, Schein discloses means for providing a go national option that the user selects to receive real-time data embedded within national television program listings (special services that provide national real-time data, such as national weather, etc—column 23, lines 37-55).

With regards to claim 14, Schein discloses means for providing a go satellite option that the user selects to receive real-time data embedded within satellite television program listings (column 5, 52-65).

Regarding claim 15, Schein discloses means for providing a go local option that the user selects to receive real-time data embedded within local television program listings (special services that provide local real-time data, such as local traffic—column 14, lines 35-44 and column 23, lines 37-55).

Considering claim 16, Schein discloses means for selecting a locality for the local television program listings (column 19, lines 8-11).

Considering claim 19, Schein discloses means for presenting a pick again web page when television program listings are not available for the selected locality (the pick again web page reads on the television guide website that allows the user to make a selection from one geographic area to another by city, state, region, or time zone—column 19, lines 1-11. A certain programming that is available at a certain time in a particularly selected geographic area would not necessarily be concurrently available in another geographic area. Therefore, the operation of Schein meets the claimed limitation).

Regarding claim 20, Schein discloses means for providing a program guide option (one or more icons or visual indicators are displayed on a television screen that represent a television program guide, a commercial sponsor, etc—column 20, lines 30-34); and means for presenting a program guide menu web page when the user selects the program guide option (a program related internet site is accessed directly from the EPG by means of the PCTV—column 8, lines 3-7 and column 20, lines 34-36).

With regards to claim 21, Schein further discloses means for providing a selectable option to arrange the television program listings by time (column 11, line 36 and 45-46).

Considering claim 22, Schein discloses means for providing a selectable option to arrange the television program listings by channel (column 18, lines 54-58).

As for claim 23, Schein discloses means for providing a selectable option to arrange the television program listings by category (column 18, lines 54-58).

Regarding claim 25, Schein discloses means for searching the television program listings (column 20, lines 18-21).

With regards to claim 26, Schein discloses means for searching the television program listings by title (column 16, lines 5-9).

Considering claim 27, Schein discloses means for searching the television program listings by category (column 11, lines 24-27 and 45-46).

As for claim 28, Schein discloses means for allowing a user to select a given one of the television program listings with embedded real-time data (column 10, lines 47-49 and column 19, lines 8-18).

Regarding claim 29, Schein discloses means for providing supplemental information on the selected television program listing with embedded real-time data (the program info menu is the supplemental information—column 22, lines 44-59).

With regards to claim 30, Schein discloses that the supplemental information is real-time information on same display screen (see Fig 17B and column 22, lines 44-59).

Considering claim 31, Schein discloses that the supplemental information is real-time and non-real-time information on a web page (column 2, lines 46-49).

As for claim 32, Schein discloses that the computer system further comprises means for providing multimedia material associated with a television program selected by the user to a web server (network server—406 in figure 15 and column 20, lines 3-7. And the multimedia system (PCTV—402 in figure 15) includes a means for accessing television program listings from a remote database, browser database, in the computer system, which is coupled to the web server, based on user selection—column 20, lines 18-21).

Regarding claim 33, Schein discloses that the means for providing multimedia material comprises means for providing interview video segments (column 19, lines 47-51).

With regards to claim 34, Schein discloses a satellite transmission link between the computer system and the web server (column 5, lines 52-65 and column 12, lines 61-64).



Considering claim 35, Schein discloses that the Internet communications link comprises a telephone line; and the web server provides web pages to the multimedia system over the telephone line (404 in figure 15—column 20, lines 3-21).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-10, 11, 17, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein (US 6,002,394) in view of Ward (US 6,756,997):

Considering claim 7, Schein discloses an television program guide system (400 in figure 15 and column 4, lines 17-23) for providing television program listings with embedded real-time data (column 6, lines 46-47) to a user at a multimedia system (402 in figure 15—PCTV, column 19, line 66 - column 20, line 4) over an Internet communications link (404 in figure 15—column 20, lines 4-5), comprising: a computer system (browser database—412 in figure 15, at a broadcasting facility—column 20, lines 12-17) for providing television program listings with embedded real-time data,

Schein fails to disclose that the computer system comprises means for providing real-time data containing textual information.

In analogous art, Ward discloses means for providing real-time data (real-time advertisement—column 30, lines 63-65) containing textual information (column 33, line 62 – column 34, line 1).

It would have been obvious to one of ordinary skill in the art to modify Schein's system to include textual information, as taught by Ward, for the benefit of presenting advertisements in different forms.

Claim 8 is met by Schein and Ward. In particular, Ward discloses that the computer system comprises means for providing real-time data containing video images (column 33, line 62 – column 34, line 1).

Claim 9 is met by Schein and Ward. In particular, Ward discloses that the computer system comprises means for providing real-time data containing video clips (column 33, line 62 – column 34, line 1).

Claim 10 is met by Schein and Ward. In particular, Ward discloses that the computer system comprises means for providing real-time data containing audio clips (column 33, line 62 – column 34, line 1).

Claim 11 is met by Schein and Ward. In particular, Ward discloses that the computer system comprises means for providing real-time data containing combinations of textual information, video clips, video images, and audio clips (column 33, line 62 – column 34, line 1).

As for claim 17, Ward additionally discloses means for selecting a locality comprises means for accepting a zip code from which the locality is determined (column 27, lines 65-67). It would have been obvious to one of ordinary skill in the art to modify Schein's system to include a zip code accepting means, as taught by Ward, for the benefit of accessing targeted television programs.

As for claim 24, Ward additionally discloses that one of the categories is sports (column 24, lines 61-63). It would have been obvious to one of ordinary skill in the art to modify Schein's system to include sports as one of the categories, as taught by Ward, for the benefit of providing a user different categories of interest for viewing a television program.

5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schein (US 6,002,394) in view of Moncreiff (US 5,828,839).

As for claim 18, Schein discloses means for selecting a locality comprises means for selecting a local region (column 19, lines 8-11).

Schein fails discloses means for selecting a locality comprises means for selecting a local region from **a map**.

In analogous art, Moncreiff discloses means for selecting a locality comprises means for selecting a local region from **a map** (column 5, lines 6-28).

It would have been obvious to one of ordinary skill in the art to modify Schein's system to include means for selecting a local region from **a map**, as taught by Moncreiff, for the benefit of easily accessing local television programs using a visual geographic feature.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harun M. Yimam whose telephone number is 571-272-7260. The examiner can normally be reached on M-F 8-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HMY



CHRIS GRANT  
PRIMARY EXAMINER